

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 JOSHUA TODD KANE,

CASE NO. C16-1624-JCC-JPD

11 Plaintiff,

ORDER

v.

12 NANCY A. BERRYHILL,¹

13 Defendant.

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15 This matter comes before the Court on the parties' stipulated motion for remand (Dkt.
16 No. 16). Having thoroughly considered the parties' stipulation, the Court hereby GRANTS the
17 motion.

18 It is hereby ORDERED that the Commissioner's decision in regard to Plaintiff's
19 applications for disability insurance benefits under Title II of the Social Security Act be
20 REVERSED and REMANDED to the Commissioner of Social Security for further
21 administrative proceedings before an administrative law judge (ALJ), a new hearing, and a new
22 decision. On remand, the ALJ will update the record as necessary; reevaluate the medical
23 opinion evidence; reassess Plaintiff's residual functional capacity; and continue with the

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25 ¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal
26 Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as
the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of
section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 remaining steps of the sequential evaluation, obtaining supplemental vocational expert
2 testimony, as necessary.

3 The Court hereby REVERSES the Commissioner's decision under sentence four of 42
4 U.S.C. § 405(g) with a REMAND of the cause to the Commissioner for further proceedings.
5 Plaintiff may be awarded reasonable attorney fees and costs pursuant to the Equal Access to
6 Justice Act, 28 U.S.C. § 2412(d), upon proper request to this Court.

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8 DATED this 30th day of March, 2017.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE